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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,835	03/31/2001	Mingte Chen	M-11529 US	8525
60975 7590 09/18/2007 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758			EXAMINER LEE, PHILIP C	
			ART UNIT 2152	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/823,835

Applicant(s)

CHEN ET AL.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-97 and 104-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-97 and 104-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is responsive to the amendment and remarks filed on June 28, 2007.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/28/2007 has been entered.
3. Claims 23-97 and 104-107 are presented for examination and claims 1-22 and 98-103 are canceled.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

*Objection*

5. Claim 45-90 are objected to because according to MPEP 608.01, antecedent basis for the terms appearing in the claims, while an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. Applicant will be required to make appropriate amendment to the description to provide clear support or

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antecedent basis for the terms appearing in the claims provided no new matter is introduced. The term “computer readable medium” and “computer readable storage medium” are lacking clear support or antecedent basis in the description of the specification.

*Claim Rejections - 35 USC 101*

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 23 is rejected under 35 U.S.C. 101 because “An apparatus” comprising a communication server (i.e., software) does not include any functional structure of an apparatus. An apparatus comprising a communication server (i.e., software) is considered as program per se, which is not one of the categories of statutory subject matter.

8. Claim 42 is rejected under 35 U.S.C. 101 because “A method for communicating using a communication channel comprising: issuing a command to the communication channel”, does not produce a useful, concrete and tangible result.

9. Claim 88 is rejected under 35 U.S.C. 101 because “A computer program product comprising: issuing instructions configured to issue a command to the communication channel”, does not produce a useful, concrete and tangible result.

10. Claims 91, 96 and 97 are rejected under 35 U.S.C. 101 because “An apparatus” comprising means (i.e., software) does not include any functional structure of an apparatus. An apparatus comprising means (i.e., software) is considered as program per se, which is not one of the categories of statutory subject matter.

*Claim Rejections - 35 USC 112*

3. Claims 23-36, 44, 65-67 and 104-105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
- b. Claim language in the following claims is not clearly understood:
  - i. As per claim 23, lines 11-12, it is unclear if “one of the media types” refers to “one of a plurality of media types” in lines 9-10.
  - ii. As per claim 44, line 8, it is unclear if “one of the media types” refers to “one of a plurality of media types” in lines 6-7.
  - iii. As per claim 65, lines 16-17, it is unclear if “one of the media types” refers to “one of a plurality of media types” in lines 14-15.
  - iv. As per claim 67, lines 13-14, it is uncertain if “one of the media types” refers to “one of a plurality of media types” in lines 11-12.

*Claim Rejections - 35 USC 102*

11. Claims 23-97 and 104-107 are rejected under 35 U.S.C. 102(e) as being anticipated by Beck et al, U.S. Patent 6,332,154 (hereinafter Beck).

12. Beck was cited in the last office action.

13. As per claim 23, Beck teaches the invention as claimed comprising:

a communication server (77, fig. 1) configured to:

communicate with a communication channel by virtue of being configured to process an incoming communication received from the communication channel via a channel driver communicatively coupled to the communication channel (col. 60, lines 36-45) (i.e., wizard 423 (comprised of drivers) provide interface for client to select desire media that is communicated to the CINOS system (inherent via a connection (channels, 25, 23, fig. 1), therefore the wizard 423 (comprised of drivers) must be communicatively coupled to the connection in order for the client selection to be sent to the CINOS system), wherein the channel driver is configured according to a media type of the communication channel (col. 62, line 64-col. 63, line 3) (driver for each type of media), the media type of the communication channel is one of a plurality of media types (col. 8, lines 1-5; col. 7, lines 60-63) (COST calls media, DNT calls media), and

the channel driver is configured to communicate with any one of the media types (col. 62, line 64-col. 63, line 3); and cause an outgoing communication to be sent to the communication channel (col. 60, lines 41-45), wherein the communication server is further configured to communicate independently of the media type of the communication channel by virtue of being configured to communicate with the communications channel via the channel driver (col. 10, lines 5-10; col. 60, lines 36-46; col. 61, lines 58-61; col. 62, lines 64-66) (CINOS communicates (responses) with client via a data connection using wizard 423 to provide media drivers for different type of media presentation offered).

14. As per claim 24, Beck teaches the invention as claimed in claim 23 above. Beck further teach wherein the channel driver is further configured to:

provide an event when the incoming communication is received from the communication channel (col. 10, lines 35-62) (wherein after the event is based upon the incoming request, proper agent is activated based upon the incoming request by the sever); and issue a command to the communication channel, wherein the command is the outgoing communication, the issuing being according to the media type of the communication channel (col. 10, lines 35-62) (wherein the server issues the command to the proper agent, the command can be in plurality of media forms not limited to email, fax or telephone call); and wherein

the communication server is further configured to obtain the event provided by the channel driver (col. 10, lines 5-10, 30-62; col. 9, lines 59-65; col. 10, lines 17-35); and the communication server being configured to cause the outgoing communication to be sent further comprises the communication server being configured to cause the channel driver to issue the command (col. 60, lines 36-39; col. 62, line 64-col. 63, line 3 (driver issues the response presentation offered)).

15. As per claim 25, Beck teaches the invention as claimed in claim 24 above. Beck further teach a user interface comprising a user interface object configured to be activated, wherein the communication server is configured to cause the channel driver to issue the command upon activation of the user interface object (Fig. 5, where the customer interface is displayed, upon selection of icons in the interface appropriate action is to be taken by the appropriate drivers associated with the respective agents remotely).

16. As per claim 26, Beck teaches the invention as claimed in claim 25 above. Beck further teach wherein the communication server is further configured to receive the activation of the user interface object (Fig. 2; Fig. 5, wherein the icons located within fields 135, 137, 139 are customizable and user selectable).

17. As per claim 27, Beck teaches the invention as claimed in claim 25 above. Beck further teach wherein the communication server is further configured to provide a notification of the



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event via the user interface (col. 10, lines 38-49, wherein the event notification is displayed through the agent graphical user interface, thus enabling the human operator to be notified of the event when the event arrives).

18. As per claim 28, Beck teaches the invention as claimed in claim 25 above. Beck further teach the communication server is further configured to

determine an agent to be notified of the event (col. 10, lines 40-50); and  
provide a notification of the event to the agent via the user interface (col. 10, lines 38-49).

19. As per claim 29, Beck teaches the invention as claimed in claim 25 above. Beck further teach a connection between the user interface and the communication channel (fig. 2, see for example the link between 'customer a' and external media layer item#83).

20. As per claim 30, Beck teaches the invention as claimed in claim 29 above. Beck further teach comprising:

a first sub-connection between the user interface and the communication server (fig. 2, e.g., area between client and the external media layer, item#83);  
a second sub-connection (fig. 2, workflow layer) between the communication server (fig. 2, item 89 ,item 85)and the channel driver (fig. 2, item 91, item 85); and  
a third sub-connection (fig. 2, internal media layer) between the channel driver (fig. 2, item 85)and the communication channel; and wherein

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the communication server is further configured to use the first and second sub-connection to cause the channel driver to issue the command (wherein the appropriate internal media layer or the driver is activated based on the incoming request); and

the channel driver is further configured to use the third sub-connection to issue the command (fig. 2).

21. As per claim 31, Beck teaches the invention as claimed in claim 25 above. Beck further teach comprising:

a database comprising:

an event table comprising information regarding the event (fig. 14);

a command table comprising information regarding the command (col. 35, lines 27-43);

and

a user interface object table comprising information regarding the user interface object (e.g., col. 35, line 63-col. 36, line 9).

22. As per claim 32, Beck teaches the invention as claimed in claim 31 above. Beck further teach wherein

the communication server being configured to process the event comprises further being

configured to access the event table (fig. 14; col. 35, lines 25-43, wherein the server keeps track of events in the event table); and

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the communication server being configured to cause the channel driver to issue the command comprises being further configured to access the command table and the user interface object table to cause the channel driver to issue the command (col. 35, lines 25-45, wherein command and user interface modules are activated in accordance with the next device to handle the command, for instance, if we determine the location to process the information such as the proper agent, command is given by the appropriate driver to access the correct agent, this process can be see for example col. 38, lines 7-20, 31-41), wherein

command data in the command table and user interface object data in the user interface object table are used to cause the channel driver to issue the command (col. 35, lines 25-45; col. 35, line 63-col. 36, line 9; col. 62, line 64-col. 63, line 5).

23. As per claim 33, Beck teaches the invention as claimed in claim 31 above. Beck further teach wherein

the communication server is further configured to obtain the event provided by the channel driver (fig. 14; col. 38, lines 7-20, 31-41, wherein the server elects the appropriate remote contact based on drivers, said remote contact returns with its response); and perform an event response (col. 9, lines 35-40); and the database further comprises:

an event response table comprising information regarding the event response to be performed upon obtaining the event (fig. 14, wherein the events get recorded within the table).

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24. As per claim 34, Beck teaches the invention as claimed in claim 31 above. Beck further teach wherein

the communication server is further configured to determine a configuration for an agent using the user interface (col. 5, lines 25-35); and wherein

the database further comprises:

an agent configuration table comprising information regarding the configuration to which the agent belongs (see for example, col. 55, lines 19-33).

25. As per claim 35, Beck teaches the invention as claimed in claim 34 above. Beck further teach wherein the database further comprises:

a configuration table comprising information regarding the configuration (col. 55, lines 19-33); and

an agent table comprising information regarding the agent (col. 55, lines 19-33).

26. As per claim 36, Beck teaches the invention as claimed in claim 24 above. Beck further teach wherein the communication channel is one communication channel of a plurality of communication channels (fig. 2, item 83, where the media layers provides multiple channels of communications between the client and the server);

the channel driver is one channel driver of a plurality of channel drivers (col. 62, line 64-col. 63, line 5); and

each communication channel of the communication channels is associated with a corresponding channel driver of the channel drivers (fig. 2; col. 62, line 64-col. 63, line 5).

27. As per claim 37, the claim is rejected for the same reason as claim 23 above.
28. As per claims 38-40, the claims are rejected for the same reasons as claims 24, 28, and 27 respectively above.
29. As per claim 41, the claim is rejected for the same reasons as rejection to combination of claims 27 and 30 above.
30. As per claims 42, Beck teaches the invention as claimed for communicating using a communication channel comprising:
- issuing a command to the communication channel, wherein the issuing the command is performed by a channel driver(col. 60, lines 36-39; col. 62, line 64-col. 63, line 3) (driver issues the response media presentation offered), the channel driver is configured to communicate with the communication channel according to a media type of the communication channel (col. 62, line 64-col. 63, line 3)(driver for each type of media), the media type of the communication channel is one of a plurality of media types (col. 8, lines 1-5; col. 7, lines 60-63) (COST calls, DNT calls media), and the channel driver is configured to communicate with any one of the media types (col. 62, line 64-col. 63, line 3).

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31. As per claim 43, the claim is rejected for the same reason as rejection to combination of claims 32 and 23 above.

32. As per claims 44 and 106, Beck teaches the invention as claimed comprising:

receiving an event from a communication channel, wherein

the receiving is performed by a channel driver, the channel driver is configured to

communicate with the communication channel according to a media type

of the communication channel (col. 10, lines 15-36; col. 62, line 64-col.

63, line 5),

the media type of the communication channel is one of a plurality of media types

(col. 8, lines 1-5; col. 7, lines 60-63), and

the channel driver is configured to communicate with any one of the media types

(col. 62, line 64-col. 63, line 3);

accessing a database to determine an event response to in response to the receiving of the

event (col. 10, lines 30, database 79; col. 10, lines 35-62), wherein the accessing

is performed by a communication server (col. 11, lines 32-50; col. 62, line 64-col.

63, line 3),

the communication server is configured to operate independently of the media

type by virtue of being configured to receive the event from the communications

channel via the channel driver (col. 62, lines 22-39; col. 62, line 64-col. 63, line 5)

(receive events (ordering) from client via wizard that provide interface between

server and client using a chosen media); and

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performing the event response under control of the communication server col. 60, lines 36-46; col. 62, lines 36-39; col. 9, lines 35-45; col. 10, lines 1-10; fig. 1, item 77).

33. As per claim 104, the claim is rejected for the same reason as claim 24 above.

34. As per claim 105, the claim is rejected for the same reason as rejection to combination of 23, 25, and 32 above.

35. As per claim 45-52, the claims are rejected for the same reasons as claims 23-30 respectively above.

36. As per claim 53, Beck teaches the invention as claimed in claim 52 above. Beck further teach wherein the first sub-connection comprises:

a web connection between the user interface and a web server; and  
an inter-process connection between the web server and the communication server (fig. 2).

37. As per claims 54-59, claims 54-59 are rejected for the same reasons as rejection to claims 31-36 respectively.

38. As per claims 60-63, claims 60-63 are rejected for the same reasons as rejection to claims 37, 24, 28, and 27 respectively.

39. As per claim 64, claim 64 is rejected for the same reasons as rejection to claims 27 and 30 above.

40. As per claim 65, claim 65 is rejected for the same reasons as rejection to claims 42 above.

41. As per claim 66, the claim is rejected for the same reasons as rejection to combination of claims 23 and 32 above.

42. As per claim 67, claim 67 is rejected for the same reasons as rejection to combination of claims 44, 27 and 28 above.

43. As per claims 68-82, claims 68-82 are rejected for the same reasons as rejection to claims 23-30, 53, 31-36 above respectively.

44. As per claims 83-90, claims 83-90 are rejected for the same reasons as rejection to claims 37-44 above respectively.

45. As per claims 91-95, claims 91-95 are rejected for the same reasons as rejection to claims 37-41 above respectively.



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46. As per claim 96, claim 96 is rejected for the same reasons as rejection to combination of claims 42 and 43 above.

47. As per claim 97, claim 97 is rejected for the same reasons as rejection to claim 44 above.

48. As per claim 107, Beck teaches the invention as claimed in claim 42 above. Beck further teach the channel driver is configured to communicate with the communication channel according to the media type of the communication channel by virtue of being further configured to determine the media type of the communication channel (col. 62, line 66-col. 63, line 3).

49. Applicant's arguments filed 06/28/2007 have been fully considered but they are not persuasive.

50. In the remarks, applicant argued that:

(1) Beck fails to teach a channel driver allows the communication server to communicate with a communication channel in a matter independent of the media type of the communication channel by virtue of being configured to use the channel driver to communicate with the communication channel, where the media type of the communication channel is one of a plurality of media types and the channel driver is configured to communicate with any of the media types.

(2) Beck fails to teach elements concerning the agent side of such systems as required by the independent claim.

(3) Beck fails to teach a channel driver (or comparable element) issue (or receive) a command (or event or their equivalents) to (or from) an outgoing (or incoming) communication channel.

51. In response to point (1), Beck teaches a wizard 423 comprising drivers for allowing communication between a client and the CINOS server system. The communication between the client and CINOS server system is via communication connection (e.g., channels, 23, 25, fig. 1). The communication with the communication connection is in a matter independent of the media type of the communication channel by virtue of being configured to use the channel driver to communicate with the communication channel (col. 60, lines 36-45; col. 62, lines 26-28), where the media type of the communication connection is one of a plurality of media types (col. 8, lines 1-5; col. 7, lines 60-63) and the driver is configured to communicate with any of the media types (col. 62, line 64-col. 63, line 3). This was already addressed to in the Office Action mailed on 1/25/2007.

52. In response to point (2), Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant fails to point out what elements in the language of the independent claims are lacking in the Beck reference.

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53. In response to point (3), applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a channel driver issue a command to an outgoing communication channel) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Noted that it is unclear what are "comparable element" and "or event or their equivalents" in the language of the claims recited in claims 23, 37, 42, 44-45, 60, 65, 67-68, 83, 88, 90-91 and 96-97 (see applicant's argument stated on page 34, paragraph 1 of the remarks filed on 6/28/2007).

### CONCLUSION

54. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

